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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 BYRON EUGENE JOHNSON,

11 Petitioner,

No. 2:04-cv-0253 LKK KJN P

12 vs.

13 D.L. RUNNELS,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner has requested the appointment of counsel. There currently exists no  
17 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d  
18 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at  
19 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing  
20 § 2254 Cases. In the present case, the court does not find that the interests of justice would be  
21 served by the appointment of counsel at the present time.

22 Petitioner has requested a sixty day extension of time to file a reply to  
23 respondent’s supplemental response to the amended petition. Petitioner alleges that he requires  
24 additional time due to inadequate law library access. Good cause appearing, this request is  
25 granted, but no further requests for extension of time will be granted.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's request for appointment of counsel (Dkt. No. 59) is denied;

2. Petitioner's motion for an extension of time (Dkt. No. 58) is granted;

petitioner's reply to respondent's supplemental response to the amended petition is due within sixty days of the date of this order; no further requests for extension of time will be granted.

DATED: September 21, 2010

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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